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ALEXANDER GERASIMOW ALLEN-BRADLEY COMPANY PATENT DEPT., 704P FLOOR 8 T29 1201 SOUTH SECOND STREET MILWAUKEE, WI 53204

Director's Office
Office of Patent Publication

In re Application of

WILLIAMS, DONALD H, et al.

Application No. 10/684,180 : **DECISION ON PETITION**

Filed: October 10, 2003

Attorney Docket No. REEL:0019--1/YOD 00RE068A:

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181(a), received in the United States Patent & Trademark Office (USPTO) on June 6, 2006.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee and publication fee, as required in the Notice of Allowance and Fee(s) Due, mailed January 6, 2006. The Notice of Abandonment mailed May 11, 2006 indicates that the submitted fee of \$0 is insufficient. A balance of \$1,700 is due.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on February 27, 2006, authorizing that the Issue Fee and Publication Fee be charged to Deposit Account No.01-0857. Unfortunately, on February 28, 2006, when an attempt was made by the Office of Finance to charge the fee, there was an insufficient fund in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

- 1.25(a) ... An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
- 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:

Mail Stop Petitions

Commissioner for Patents

Office of Petitions

P O Box 1450

Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 137.

Thomas E. Hawkins Paralegal Specialist

Office of the Director

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